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9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-266

13 VALERIE BROWN
740 N Shelby Street
14 Gary, IN 46043

A C C U S A T I O N

15 Registered Nurse License No. 356163

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 2. On or about February 28, 1983, the Board issued Registered Nurse License
24 Number 356163 to Valerie Brown ("Respondent"). The registered nurse license expired on
25 June 30, 2002, and has not been renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
2 2750) of the Nursing Practice Act.

3 4. Section 2764 of the Code provides, in pertinent part, that the expiration of
4 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license. Under section
6 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
7 the expiration.

8 5. Section 2761 of the Code states in pertinent part:

9 The board may take disciplinary action against a certified or
10 licensed nurse or deny an application for a certificate or license for any of the
11 following:

12 (f) Conviction of a felony or of any offense substantially related to
13 the qualifications, functions, and duties of a registered nurse, in which event the
14 record of the conviction shall be conclusive evidence thereof.

15 6. Section 2762 of the Code states in pertinent part:

16 In addition to other acts constituting unprofessional conduct within
17 the meaning of this chapter [the Nursing Practice Act], it is unprofessional
18 conduct for a person licensed under this chapter to do any of the following:

19 (c) Be convicted of a criminal offense involving the prescription;
20 consumption, or self-administration of any of the substances described in
21 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
22 record pertaining to, the substances described in subdivision (a) of this section, in
23 which event the record of the conviction is conclusive evidence thereof.

24 **COST RECOVERY**

25 7. Section 125.3 of the Code provides, in pertinent part, that the Board may
26 request the administrative law judge to direct a licensee found to have committed a violation or
27 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
28 and enforcement of the case.

29 **CAUSE FOR DISCIPLINE**

30 (Criminal Conviction)

31 8. Respondent is subject to discipline under Code section 2761(f), in that on
32 March 4, 2005, in the United States District Court for the Northern District of Indiana, in the case
33 entitled *United States v. Valerie Brown* (U.S. District Court, 2005, Case No. 2:02CR058TLS),


1 Respondent was convicted on her plea of guilty of violating Title 18 United States Code sections
2 1347(1) and 1347(2) (health care fraud), and Title 18 United States Code section 371 (conspiracy
3 to defraud the United States). Such conduct is substantially related to the qualifications,
4 functions, and duties of a registered nurse.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 8 1. Revoking or suspending Registered Nurse License Number 356163, issued
9 to Valerie Brown;
- 10 2. Ordering Valerie Brown to pay the Board of Registered Nursing the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
12 125.3; and
- 13 3. Taking such other and further action as deemed necessary and proper.

14 DATED: 4/10/07
15

16 
17 RUTH ANN TERRY, M.P.H., R.N.
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
State of California
Complainant

21 03579110-SA2006102808
22 Brown.Acc.wpd
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